

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**THERESA WEIRBACH and CHARLES  
ZIMMER, on behalf of themselves and all  
others similarly situated,**

*Plaintiffs,*

v.

**THE CELLULAR CONNECTION, LLC,**

*Defendant.*

Case No. 5:19-cv-05310-JDW

**ORDER**

**AND NOW**, this 12th day of August, 2020, upon consideration of Plaintiffs' Motion and Memorandum to Conditionally Certify an FLSA Collective Action and Authorize Notice to Putative Opt-In Plaintiffs (ECF No. 22), it is hereby **ORDERED** that, for the reasons set forth in the accompanying Memorandum, the Motion is **GRANTED IN PART** and **DENIED IN PART**.

It is **FURTHER ORDERED** that, pursuant to 29 U.S.C. § 216(b), the Court conditionally certifies the following collective: "All non-exempt hourly retail associates (including Sales Representatives, Technical Advisors, and similarly titled employees) that The Cellular Connection, LLC ("TCC") employed on or after August 13, 2017, at any retail store location in Pennsylvania (or who lived in Pennsylvania while a TCC employee)."

It is **FURTHER ORDERED** as follows:

1. No later than August 26, 2020, Defendant shall supply to Plaintiffs a computer-readable file containing the names, last-known mailing addresses, e-mail address (if available), dates and locations of employment, and job titles for members of the Collective;
2. No later than August 26, 2020, Plaintiffs shall submit to the Court for approval a revised proposed notice form to comport with the following requirements:

- a. There shall be a 60-day opt-in period;
  - b. Such notice must contain the following language: “You have the right to retain your own attorney, but you are not required to do so. If you choose to join this lawsuit and do not retain your own attorney, you will be represented by the following attorneys:” followed by Plaintiffs’ counsel’s name and address;
  - c. A revised statement that reads “TCC denies these allegations and claims it paid all wages that it owed” or uses other language to which the Parties agree;
3. Plaintiffs are authorized to send notice via mail and/or e-mail to those individuals identified in the file. Plaintiffs are not authorized to send a reminder postcard;
4. Defendant shall post the approved notice at its retail locations within Pennsylvania; and
5. The notice and opt-in process shall be concluded within 60 days of the Court’s approval of the revised notice.

**BY THE COURT:**

/s/ Joshua D. Wolson  
JOSHUA D. WOLSON, J.